

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop: Amendment



Docket No.: 480,1001US
Date: May 7, 2008

- In re application of: **Akio INUI, et al.**
Serial No.: 10/520,327
Filed: October 3, 2005
- For: **THERAPEUTICS FOR DIABETES MELLITUS**

Sir:

Transmitted herewith is an **Information Disclosure Statement** (2 pages) the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
☐ No fee for additional claims is required.
☐ A filing fee for additional claims calculated as shown below, is required:

(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
FOR:	REMAINING	HIGHEST		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT					
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	* Minus**	=	0	x \$	\$		x \$	\$
INDEP. CLAIMS	* Minus***	=	0	x \$	\$		x \$	\$
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$		+	\$
				TOTAL: \$		OR	TOTAL: \$	

- ☒ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136
☒ **Return receipt postcard;**
☒ Other:- **PTO form 1449 (1 page) with copy of cited reference, copy of Supplementary European Search Report dated March 3, 2008 (3 pages) .**

- ☒ Check(s) in the amount of **\$180.00** is attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☒ Filing fee required under 37 C.F.R. 1.17(p) for filing IDS under 37 C.F.R. 1.97(e).

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☐ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
☒ Any patent application processing fees under 37 C.F.R. 1.17.
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

Cary S. Kappel, Reg No. 36,561
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on May 7, 2008.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: Keith Nicholson
Keith Nicholson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: Akio INUI et al.
 Serial No.: 10/520,327
 Filed: October 3, 2005
 For: **THERAPEUTICS FOR DIABETES
 MILLITUS**

Examiner: Ian D. DANG

Art Unit: 1647

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97(e)

Mail Stop: Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

May 7, 2008

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97(e), Applicant hereby makes of record the documents listed on the accompanying PTO-1449 Form (1 page) for consideration by the Examiner in connection with the examination of the above-identified patent application. While the references are being submitted herewith, some or all of the references may not constitute prior art under the U.S. patent laws.

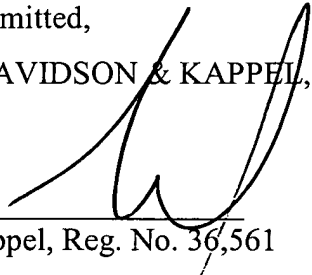
This Information Disclosure Statement is filed under 37 C.F.R. §1.97 (e). Applicants respectfully submit that Reference "A1" on the accompanying PTO Form 1449 was first cited in the Supplementary European Search Report dated March 7, 2008 of corresponding European Patent Application No. EP 03 73 8666 (a copy of which is attached herewith as Appendix A). As Reference "A1" (International Patent Publication No. WO 01/56592) was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement, Applicants hereby respectfully request that the references cited in the accompanying PTO-1449 form be considered and made of record.

Applicants also submit herewith a check in the amount of \$180.00 to cover the required fee as set forth in 37 CFR §1.17(p).

In the event any additional fee is due in connection with this response or if any fee has been overpaid, the deficiency or overpayment should be charged to our Deposit Account No. 50-0552.

It is respectfully submitted that the pending claims are patentable over the reference made of record at this time.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Cary S. Kappel, Reg. No. 36,561

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940